

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ALFREDO SUAREZ,

Plaintiff,

v.

O. VALLADOLID, et al.,

Defendants.

No. 1:22-cv-00160-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
TO RECONSIDERATION OF REQUEST TO
CONTINUE JURY TRIAL

(ECF No. 144)

On August 13, 2024, a jury trial in this matter commenced and concluded the following day-August 14, 2024.

On August 1, 2024, Plaintiff filed a motion to continue the jury trial, and Defendants filed a response on August 6, 2024. (ECF Nos. 135, 139.)

On August 7, 2024, the Court denied Plaintiff's request to continue the trial. (ECF No. 140.)

On the morning of trial, Plaintiff submitted a reply to Defendants' August 6, 2024, response to continue the trial and requested the Court reconsider the order denying his request to continue the trial.¹ (ECF No. 144.) Plaintiff submitted that he did not have access to his legal property as represented by defense counsel.

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¹ Plaintiff's reply was received in the mail and filed on the docket on August 14, 2024. (ECF No. 144.)

1 In response, defense counsel reached out to the litigation coordinator at California State
 2 Prison, Corcoran who confirmed that Plaintiff had access to his legal materials. The Court orally
 3 denied Plaintiff's request to continue the jury trial finding he failed to demonstrate good cause for
 4 the continuance.²

5 As reflected on the record of the jury trial, the Court notes that Plaintiff had a copy of the
 6 trial binders which included a copy of Defendants' exhibits and Plaintiff's exhibits that were
 7 exchanged prior to trial. Plaintiff advised that he provided his exhibits to the defense, who then
 8 put them in binders for the Court and Plaintiff. In addition, during the jury trial, the Court
 9 observed Plaintiff had notes for his opening statement, questioning of witnesses, and closing
 10 argument.³ Although Plaintiff proceeded pro se, he had over six months to prepare after the jury
 11 trial was first scheduled, and his familiarity with the facts and evidence presented during trial is
 12 reflected on the record.⁴ Accordingly, as stated on the record, Plaintiff's motion to reconsider the
 13 order denying his request to continue the trial is DENIED.

14
 15 IT IS SO ORDERED.

16 Dated: August 15, 2024


 UNITED STATES MAGISTRATE JUDGE

22 ² The Court notes that the Litigation Coordinator submitted several photographs of Plaintiff's cell at California State
 23 Prison-Corcoran which depict the various legal materials inside his cell. While the Court did not look at the
 24 photographs prior to its ruling or allow Plaintiff to address them, the Court exhibited the photographs and admitted
 25 them into evidence for any future motions. While on the second day of trial, Plaintiff wished to explain those
 photographs the Court did not give him the full opportunity since the photos were only submitted if a future issue
 arose. The Court advised that if the issue arose he could present any comments on the photographs by way of
 declaration at that time.

26 ³ In fact, during his opening statement, Plaintiff read from at least three pages as he stood before the jury and read
 27 from the papers in front of him. During examination of numerous witnesses on both the first and second days of trial,
 Plaintiff examined his witnesses also by standing and reading from papers he held in front of him.

28 ⁴ During that time, Plaintiff also prepared and participated in a settlement conference which included the filing of a
 settlement conference statement.